

city of Beloit, which court was abolished by chapter 423 of the laws of 1905, are hereby made part of the records of the municipal court of the city of Beloit and the judge of said municipal court is hereby authorized to issue executions on and transcripts of any judgment now shown on the records of said police court in the same manner as if said judgments had been rendered by said municipal court.

SECTION 37. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 38. This act shall take effect upon passage and publication.

Approved July 2, 1929.

No. 188, S.]

[Published July 6, 1929.

CHAPTER 270.

AN ACT to revise Chapter 296 of the statutes entitled "Proceedings for the disposition of estates of infants and other wards; to enforce specific performance of contracts in certain cases, and to change names and establish heirships"; and to repeal Chapter 320 of the statutes entitled "Sale of lands of wards" and sections 316.30 to 316.44, relating to specific performance of land contracts of deceased vendors.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. The title to chapter 296 of the statutes shall be as follows: DISPOSITION OF LANDS OF WARDS; SPECIFIC PERFORMANCE; CHANGE OF NAMES; ESTABLISH HEIRSHIPS.

SECTION 2. Section 296.01 of the statutes is amended to read: 296.01 CONVEYANCE OF LANDS HELD IN TRUST BY PERSONS UNDER DISABILITY. Whenever any * * * *minor* or person incompetent to manage his affairs . * * * shall be seized or possessed of any lands or interest therein by way of mortgage or in trust only for others, the circuit *or county* court of the proper county may, upon the petition of the guardian of such * * * *minor* or incompetent person or of any person in any way interested in such real estate, make an order authorizing or compelling such * * * *minor* or incompetent person

to convey and assure such lands or interest therein to any person entitled thereto, in such manner as the court shall direct.

SECTION 3. Section 296.02 of the statutes is amended to read:
 296.02 SPECIFIC PERFORMANCE. The circuit *and county* court shall have power to authorize or compel the specific performance of any * * * contract * * * made by any * * * *person who may die or become incompetent* before the performance thereof, * * * by any * * * *minor* heir or devisee or other person, or by such incompetent person or his guardian, on the petition of the executors or administrators of such deceased person, the guardian of such incompetent person or of any other person interested in such * * * contract.
 * * *

SECTION 4. Section 296.03 of the statutes is amended to read:
 296.03 SPECIFIC PERFORMANCE; ORDER FOR CONVEYANCE. No order authorizing or directing any such conveyance * * * or the performance of any such * * * contract * * * shall be made until after hearing the parties and being satisfied that such conveyance * * * ought to be made or such * * * contract * * * ought to be performed. The court may, by such order, direct the guardian of such * * * *minor* or incompetent person, or a special guardian appointed in such proceeding, to execute any conveyance or to do any other act which is necessary to carry such order * * * into effect. * * *

SECTION 5. Section 296.04 of the statutes is amended to read:
 296.04 SPECIFIC PERFORMANCE; WHO MAY BRING ACTION; EXECUTOR AND HEIR TO CONVEY. Whenever any person who is bound * * * to convey any real estate or interest therein shall die before making the conveyance, the person entitled thereto, or if he be dead then *his personal representatives* or any person who would have been entitled to the estate under him as heir, devisee or otherwise, in case the conveyance had been made according to the terms of the contract * * * may maintain an action in the circuit *or county* court to enforce a specific performance of the contract by the heirs, devisees or the executor or administrator of such deceased * * * *vendor*. If * * * it shall appear that the plaintiff is entitled to have a conveyance of such real estate, the court may require such executor or administrator to convey the estate in like manner as the deceased person might or ought to have done if living;

and, if the heirs or devisees of such deceased person or any of them shall be within the state and made parties to such action, the court may require them, instead of the executor or administrator, to convey the estate or may require them to join with the executor or administrator in such conveyance; or the court may, by its judgment, pass the title to such real estate to the plaintiff without any conveyance; and every conveyance or judgment so made shall be effectual to pass the estate contracted for as fully as if the * * * *vendor had* executed the conveyance.

SECTION 6. Section 296.05 of the statutes is amended to read: 296.05 SPECIFIC PERFORMANCE; JUDGMENT RECORDED IN REGISTER OF DEEDS' OFFICE; EFFECT. A copy of such judgment, directing such conveyance or passing the title to the plaintiff, duly certified by the clerk and recorded in the office of the register of deeds in the county where the lands lie, shall give the person entitled to such conveyance a right to the possession of the lands contracted for and to hold the same according to the terms of the intended conveyance, in like manner as if they had been conveyed in pursuance of such judgment. The * * * court * * * *may* * * * *enforce* such judgment by any proper proceedings therein.

SECTION 7. Section 296.06 of the statutes is amended to read: 296.06 REALTY OF WARDS; GROUNDS FOR MORTGAGE, SALE, LEASE. * * * Any real estate, or interest therein belonging to a * * * *minor* or to a person incompetent to manage his affairs * * * may be sold, mortgaged or leased: * * *

(1) When the personal property and the income of the real estate of such * * * *minor* or incompetent person are together insufficient for the payment of his debts or for the maintenance and education of himself and family;

(2) When the interests of such * * * *minor* or incompetent person require or will be substantially promoted by such disposition on account of such real estate or interest therein being exposed to waste or dilapidation, or being unproductive, or for other peculiar reasons or circumstances.

SECTION 8. Section 296.07 of the statutes is amended to read: 296.07 REALTY OF WARDS OR INCOMPETENTS; APPLICATION FOR SALE OR INCUMBRANCE. The application for such disposition must be made to the circuit or county court of the county in which such real estate or some part thereof

is situated or to the presiding judge of either court by petition of the general guardian of the * * * *minor* or of such incompetent person or by any relative or other person in behalf of either. Such petition must be verified and must set forth the facts which would authorize the selling, mortgaging or leasing of such real estate or some part thereof for one or more of the reasons set forth in section 296.06. If a sale is sought on behalf of * * * *some* but not all, of * * * *the* * * * *minors* in any case where an action for partition would lie, the whole tract may be sold and the proceeds applied as directed in section 296.17; but the share of those who do not join in the application shall be paid to their guardians.

SECTION 9. Section 296.08 of the statutes is amended to read: 296.08 REALTY OF WARDS; GUARDIAN; BOND; PROSECUTION OF BREACH. (1) (a) When such application is made on behalf of * * * *a* * * * *minor, who has no general guardian*, the court or presiding judge must appoint some suitable person special guardian of such * * * *minor* in * * * *the proceeding* * * *; such special guardian shall give a bond to the judge of the court, to be filed in the county court or with the clerk of the circuit court, in such sum, with such sureties, and in such form as the county or circuit court or judge shall direct, conditioned for the faithful performance of the trust reposed, for paying over, investing, or accounting for all moneys that shall be received by such guardian, according to * * * *law* and for observance of the directions of the court in relation to the said trust.

(b) *When the minor shall have a general guardian, such general guardian may be appointed special guardian in said matter; or, such general guardian, as such, may be authorized and empowered to act in and conduct such proceedings in the same manner, and with the same provisions as to an additional general guardian's bond, as is provided in said proceedings for the conduct thereof by the general guardian of incompetent persons.*

(2) When such application is made on behalf of an incompetent person, the guardian of such incompetent person shall, in the discretion of the court, give a bond to the judge of the court to be filed in the county court or with the clerk of the circuit court, in such sum, additional to the guardian's original bond, as the court or judge may deem necessary, with such sureties and

such conditions for the faithful performance of trust reposed *as above* prescribed by *this* section. * * *

(3) In case of the breach of the conditions of such bond, it may be prosecuted for the benefit of the party injured without any direction therefor.

SECTION 10. Section 296.09 of the statutes is amended to read: 296.09 INQUIRY RELATIVE TO SALE OR INCUMBRANCE. Upon the presentation of such petition and the filing of such bond * * * *the* court or the presiding judge may proceed in a summary manner to inquire into the merits of such application or make an order referring it to some suitable person as referee to inquire into and report upon the matters contained in such petition, whose duty it shall be to examine into the truth of the representations made, to hear the parties interested in the property or otherwise interested in the application and report thereupon with all convenient speed.

SECTION 11. Section 296.10 of the statutes is amended to read: 296.10 ORDER FOR LEASE, MORTGAGE, SALE. If, after an examination of the matter by the court or judge to which application is made, without a reference, or on the coming in of the report of the referee, and on examination of the matter, it shall satisfactorily appear that a disposition of any part of the real estate of such * * * *minor* or incompetent person or any interest therein is necessary and proper, for any of the causes mentioned in section 296.06 such court or judge shall make * * * *an* order directing *and authorizing the guardian to contract for* the leasing, mortgaging or sale of such real estate or interest therein or of such part thereof as the court or judge shall deem proper * * * in such manner and with such restrictions as shall be deemed expedient.

SECTION 12. Section 296.11 of the statutes is amended to read: 296.11 CONTRACT FOR LEASE, MORTGAGE, SALE; APPROVAL. No * * * lease, mortgage or sale shall be made until an agreement therefor shall * * * *have been* entered into by such * * * guardian * * * subject to the approval of the proper court or judge. Upon the confirmation of such agreement by such court or judge * * * *the guardian* must execute a lease, mortgage or deed as directed by the order of confirmation.

SECTION 13. Section 296.12 of the statutes is amended to read: 296.12 WARDS; OTHER DISPOSAL OF REAL ESTATE;

ACQUISITION OF REAL ESTATE. The courts and judges mentioned in this chapter are further empowered and authorized to make any other disposition of the real estate of any * * * *minor* or other ward mentioned herein and to authorize the purchase in the name of such * * * ward of any real estate within the state of Wisconsin when it shall be made to appear to such court or judge that such proposed disposition or purchase will substantially promote the interests of any such * * * ward, provided that no debt shall be incurred or assumed by such * * * ward for the purpose of any such real estate. The provisions of this chapter are * * * applicable to all proceedings * * * under * * * this section.

SECTION 14. Section 296.13 of the statutes is amended to read: 296.13 PLATTING REALTY OF WARDS BEFORE SALE. Whenever * * * *an* order shall have been made for the sale of any such real estate and it shall be made to appear to the court or judge that the interest of the * * * *minor or other ward* would be promoted by platting such real estate the court or judge may, by order, authorize the * * * guardian * * * either alone or together with the cotenants, if any, or other owners, to make and acknowledge a plat of such real estate in the manner prescribed in chapter 236. A plat made pursuant to such order, certified and acknowledged in manner and form prescribed in said chapter and approved by the court or presiding judge, shall be as valid and effectual as if made by such * * * *minor* when of full age or by such incompetent person when of sound memory and understanding. After such plat shall have been duly made and recorded such guardians may make separate sales of any lot or lots, according to such plat, or of such * * * *ward's* interest therein in the manner above prescribed.

SECTION 15. Section 296.14 of the statutes is amended to read: 296.14 REALTY OF WARDS; WILL OR CONVEYANCE NOT DISREGARDED. No real estate or interest therein shall be sold, mortgaged or leased under the provisions of this chapter contrary to the provisions of any will by which the same was devised or of any conveyance by which the same was transferred to such * * * *minor* or incompetent person.

SECTION 16. Section 296.15 of the statutes is amended to read: 296.15 REALTY OF WARDS, VALIDITY OF THE CONVEYANCE. Every deed, mortgage, lease or other conveyance made in good faith by the guardian of a * * * *minor* or

incompetent person, pursuant to any order or judgment of the county or circuit court or the presiding judge of either, made under the provisions of this chapter, shall be as valid and effectual as if made by such * * * *minor* when of full age or by such incompetent person when of sound memory and understanding.

SECTION 17. Section 296.16 of the statutes is amended to read: 296.16 REALTY OF WARDS; EFFECT OF SALE; PROCEEDS REALTY. No sale * * * of the real estate of any * * * *minor* or incompetent person shall give to such * * * *minor* or incompetent person any other or greater interest or estate in the proceeds of such sale than he had in the estate so sold; but the said proceeds shall be deemed real estate of the same nature as the property sold.

SECTION 18. Section 296.17 of the statutes is amended to read: 296.17 REALTY OF WARDS, PROCEEDS, HOW APPLIED; ACCOUNTS; ORDER OF CIRCUIT FILED IN COUNTY COURT. (1) The court or judge shall make an order for the application and disposition of the proceeds of any such sale or mortgage, and of the income derived from the investment thereof and of the rent accruing upon any such lease, and direct the investment of any portion thereof belonging to such * * * *minor* or incompetent person which is not needed for the payment of debts or the immediate support of himself and family, so as to secure the same for the benefit of such * * * *minor* or incompetent person, and shall direct a return of such investment to be made on oath as soon as may be, and shall require accounts to be rendered periodically by any guardian or other person who may be intrusted with the disposition of such proceeds or the income thereof.

(2) When such order is made by a circuit court or circuit judge a certified copy thereof, of the return of the investments made in pursuance thereof and of the accounts rendered by any guardian or other person shall be made by the clerk of said court and filed in the county court of the proper county. If any such guardian or other person shall fail or neglect to make a proper return or to render such accounts as the order of the circuit court or judge thereof requires such court or judge shall cause the proper county court to be informed of the fact and such court shall thereupon have the same authority to call the guardian or other person so in default to account, and the same procedure

shall apply as if the entire proceedings were had in the county court.

SECTION 19. Section 296.18 of the statutes is amended to read: 296.18 WARD'S ESTATE IS SUBJECT TO PARTICULAR ESTATES. (1) If the real estate or interest therein of any * * * *minor* or any incompetent person *which is* directed to be sold is subject to * * * an estate for life or for years in the whole or any part thereof * * * the * * * order for the sale may, in the discretion of the court or presiding judge, direct that such * * * estate shall be sold, * * * with the *reversionary* estate or interest of the * * * *minor* or incompetent person.

(2) After such sale the court or judge must ascertain the *present* value of such * * * estate *according to the law applicable to annuities* and direct the payment of such sum in gross, or the investment of * * * proceeds *or the proper portion thereof* and the payment of the interest there * * * *from* to the person having such * * * *particular* estate until the expiration thereof. * * *

SECTION 20. Section 296.19 of the statutes is amended to read: 296.19 WARD'S PARTICULAR ESTATE, DISPOSITION. Where the interest of the * * * *minor* or incompetent person in real estate consists of * * * an estate for life or for years the court or presiding judge may, by order, authorize * * * *his* guardian * * * to join with the person holding the reversionary estate in a conveyance of the property to which such interest attaches, so as to * * * fully convey the particular estate, on receiving from the proceeds of the sale a gross sum in satisfaction of such * * * estate or * * * such proceeds *or the proper portion thereof* to be invested, and the interest thereon paid to the person having such * * * estate until the termination thereof; in either case the amount to be ascertained as prescribed in section 296.18. When *the proceeds* or a proportionate part of such proceeds is received by the guardian for investment, the order of the court or presiding judge must provide for the investment thereof until termination of the particular estate, and then for the payment thereof to the person entitled thereto.

SECTION 21. Section 296.20 of the statutes is amended to read: 296.20 MINOR, OR INCOMPETENT, WARD OF THE COURT. From the time of * * * application on behalf of

a * * * *minor* or of an incompetent person having no guardian *for the disposition of his property* he shall be considered the ward of the court in which the application is made, so far as it relates to * * * property, its proceeds and income.

SECTION 22. Section 296.21 of the statutes is re-enacted.

SECTION 23. Section 296.22 of the statutes is repealed.

SECTION 24. Section 296.23 of the statutes is repealed.

SECTION 25. Section 296.24 of the statutes is repealed.

SECTION 26. Section 296.25 of the statutes is amended to read :
 296.25 NONRESIDENT WARDS, FOREIGN GUARDIAN TO CONVEY ESTATE; SPECIAL GUARDIAN. (1) When any * * * *minor* or incompetent person residing without this state shall own any right, title or interest in or to any real estate in this state and shall have a guardian or conservator who shall have been appointed in the state, territory or district or * * * country where * * * *he* resides and no guardian appointed in this state, the *foreign* guardian or conservator * * * may file a copy of his * * * appointment, * * * authenticated so as to make the same receivable in evidence, in the circuit or county court in * * * *the* county * * * in which the real estate of such infant or incompetent person is situated.

(2) Upon * * * *such* filing * * * *and proper application* such foreign guardian or conservator may be licensed by the * * * court or presiding judge * * * to lease, mortgage, or sell the real estate of * * * *his ward* in said county, or any portion thereof, or interest therein, in the same manner and upon the same terms and conditions and for the same purposes as prescribed in this chapter in the case of a * * * guardian appointed in this state. And such court, or the presiding judge thereof may, * * * upon the petition of such foreign guardian or conservator, appoint some suitable person residing in this state, special guardian of such * * * *minor* or incompetent person to make such lease, mortgage or sale in the manner provided by this chapter.

(3) In case a special guardian shall be appointed * * * the moneys arising from such lease, mortgage or sale shall be paid out and disposed of or invested as may be directed by the court or judge appointing such special guardian. The duly authenticated copy of the appointment of any guardian or conservator appointed in any other state, district, territory or * * *

country together with a duly authenticated copy of the appointment of the special guardian of such * * * *minor* or incompetent person, shall also be properly recorded and tract indexed *at the ward's expense* in the office of the register of deeds of the county in which such real estate is situated. * * *

SECTION 27. Section 296.26 of the statutes is amended to read:
 296.26 FUTURE ESTATE MAY BE SOLD. Any real estate or interest therein which may at any time in the future be owned or possessed by any after-born child or by any person, whether in being or not, known or unknown, who shall or may become interested therein under and by virtue of any deed or other instrument, or by any last will and testament, may be sold, mortgaged, leased or otherwise disposed of as * * * provided *in sections 296.26 to 296.35*.

SECTION 28. Section 296.27 of the statutes is amended to read:
 296.27 FUTURE ESTATE, APPLICATION FOR SALE. The application for such disposition may be made to the circuit, county or superior court of the county in which such real estate or some part or interest therein is situated, or to the circuit judge in vacation, by the *verified* petition of any one or more of the parties having any title to or interest in said land * * *. If any * * * petitioners are * * * *minors*, the * * * petition shall be signed by * * * *their* general guardian * * *. Such petition must * * * set forth * * * facts which would authorize the selling, mortgaging, leasing or otherwise disposing of such real estate or some part thereof, or interest therein, for one or more of the reasons set forth in section 296.06 * * *. Such lands or interests therein shall be sold, mortgaged, leased or otherwise disposed of in such manner as will best promote the interests of those concerned, whether in being or not, and whether their interests are present or contingent. Notice of such application shall be given to all parties having any title to or interest in said lands, who are living at the time of such petition, except * * * those who have joined in * * * *the* petition at least ten days prior to the date of the hearing of such application, by service of the same in the manner provided in chapter 262 for the service of the summons in a civil action.

SECTION 29. Section 296.28 of the statutes is amended to read:
 296.28 FUTURE ESTATES, SALE, REFEREE BOND. Upon such application being made the * * * court or cir-

cuit judge must appoint some suitable person as referee, * * * under whose direction the sale, mortgaging, leasing or other disposition of said lands or interest shall be made, which * * * referee shall give a bond to the judge of the court * * * in such amount, with such sureties and in such form as the * * * court or circuit judge shall direct, conditioned * * * *as provided in section 296.08.* * * * All proceedings * * * had prior to June 7, 1913 under this chapter in county courts not having civil jurisdiction are hereby legalized.

SECTION 30. Section 296.29 of the statutes is amended to read :
 296.29 FUTURE ESTATES, SALE, EXAMINATION AND REPORT. Upon the * * * filing of such bond, * * * the court or the circuit judge may proceed in a summary manner to inquire into the merits of such application, or made an order * * * *directing the* referee to inquire into and report upon the matters contained in such petition, * * * *and he* shall * * * examine into the truth of the representations made, * * * hear the parties interested in the property or otherwise interested in the application, and report thereupon with all convenient speed.

SECTION 31. Section 296.30 of the statutes is amended to read :
 296.30 FUTURE ESTATES, ORDER FOR DISPOSITION. If, after * * * *such summary* examination * * * or on the coming in of the report of the referee, and on examination of the matter it shall satisfactorily appear that a sale, mortgage, lease or other disposition of the whole or any part of the said real estate or interest therein is necessary or proper, * * * *the* court or the circuit judge shall make * * * *an* order directing the sale, mortgaging, leasing or other disposition of such real estate or interest therein or of such part thereof as the court or judge shall deem proper to be made by the referee * * *, in such manner and with such restrictions as shall be deemed expedient.

SECTION 32. Section 296.31 of the statutes is amended to read :
 296.31 FUTURE ESTATES, APPROVAL OF CONVEYANCE. No such sale, mortgage, lease or other disposition of said property shall be made until an agreement therefor shall be entered into by such referee, subject to the approval of the * * * court or the circuit judge. Upon the confirmation of such agreement by such court or judge, the said referee must

execute a deed, mortgage, lease or other instrument of conveyance as directed by the said order of confirmation. * * *

SECTION 33. Section 296.32 of the statutes is amended to read: 296.32 FUTURE ESTATES, APPROVED CONVEYANCE VESTS TITLE. Every deed, mortgage, lease or other conveyance made in good faith by the referee pursuant to any order or judgment of the * * * court or the circuit judge, made under the provisions of * * * sections 296.26 to 296.35 shall be valid and effectual to vest in the purchaser, mortgagee, lessee or other party under such conveyance, a good and sufficient title as against all persons having, or who may have, any title to or interest or estate in the said lands * * *, whether in being or not, under or by virtue of the terms of any deed or other instrument, or under and by virtue of any last will and testament, and the court may require any or all parties who are living having any interest in said lands * * * to join said referee in the execution of said instrument of conveyance and release all their interests therein.

SECTION 34. Section 296.33 of the statutes is amended to read: 296.33 PROCEEDS DEEMED REAL ESTATE. No sale, mortgage, lease or other conveyance made as aforesaid of the real estate or any interest therein of any * * * person, whether in being or not, shall give to such * * * person any other or greater interest or estate in the proceeds of such sale, mortgaging or other disposition of said lands or interest therein than he had in the estate so sold or disposed of but the said proceeds shall be deemed real estate of the same nature as the property sold.

SECTION 35. Section 296.34 of the statutes is amended to read: 296.34 FUTURE ESTATES, PROCEEDS PLACED IN TRUST. The proceeds of the said sale, mortgage, lease or other conveyance of said real estate, after payment under the direction of the * * * court or the * * * circuit judge of the costs and expenses of the said proceedings, shall be * * * paid to some *designated* trustee * * *, and * * * held, invested and disposed of in such manner and for such time as shall be designated by said court, or circuit judge, for the benefit of such person or persons as may be or become interested in said lands or interests under and by virtue of said deed or other instrument or said will and testament, and the said proceeds, as

well as the interest and income thereof, shall at all times abide the order of said court.

SECTION 36. Section 296.35 of the statutes is amended to read: 296.35 FUTURE ESTATES, DISPOSAL, PROCEEDING IN REM. The proceeding under sections 296.26 to 296.35 shall be deemed to be a proceeding in rem against * * * the land or interest therein, and the final order * * * providing for the sale, mortgaging, leasing or other disposition of the same shall operate directly on said land and shall be as valid, effectual and binding as though the party to be affected thereby were then living or had a present vested interest in the same.

SECTION 37. Section 296.36 of the statutes is amended to read: 296.36 CHANGING NAMES, COURT PROCEDURE. Any resident of this state, whether a minor or of full age, may, upon petition to the circuit court of the county where he resides and upon filing a copy of the notice * * *, with proof of the publication thereof, *as required by section 296.42*, if no sufficient cause be shown to the contrary, have his name changed or established by order of said court. Such order shall be entered at length upon the records of the court and a copy thereof, duly certified, shall be filed in the office of the register of deeds of such county, who shall make an entry thereof in a book to be kept by such register.

SECTION 38. Section 296.37 of the statutes is amended to read: 296.37 CHANGING NAMES, ANOTHER METHOD. Any person desiring to alter or change his * * * name may do so by filing with the register of deeds of the county in which he resides a declaration setting forth substantially as follows: First. His name or names usually used and known at the time of declaration, with his place of residence, giving street and house number * * *. Second. His age, place of birth, and, if of foreign birth, the time he * * * came to this country, and approximately the length of time he * * * has resided in each place. Third. Briefly * * * the object and purpose of the alteration or change of name, for example, too many of the same name and other explanation may be given. Fourth. The name as changed or adopted. Fifth. A complete description of all real estate owned by him in this state, and the county wherein the same is situated.

SECTION 39. Section 296.38 of the statutes is amended to read: 296.38 CHANGING NAMES, DECLARATION AC-

KNOWLEDGED. Such declaration shall be signed, * * * sealed, * * * *witnessed* and * * * acknowledged * * * *in the manner and form required for the execution of deeds of conveyance of real estate, * * * to entitle them to be recorded.*

SECTION 40. Section 296.39 of the statutes is amended to read: 296.39 CHANGING NAMES, EFFECT OF FILING DECLARATION. The declaration thus made *and* * * * filed in the office of the register of deeds * * * *shall effect the change,* and the new name shall then be the name of the * * * *declarant.* * * * No person shall change his name more than once under the provisions of sections 296.37 to 296.40.

SECTION 41. Section 296.40 of the statutes is amended to read: 296.40 CHANGING NAMES; INDEXING; FEE. * * * The register of deeds * * * *shall* number consecutively all *such* declarations filed in his office and * * * index both the old and the new names of * * * *declarants,* * * * and * * * enter the * * * *numbers* upon the tract index. Such index must show, besides the names and the number of the declaration, a description of all real estate contained in the declaration, * * * the date of filing, the post-office address of the * * * *declarant* opposite both the old and new names. For filing and indexing, the register of deeds shall be entitled to one dollar for each declaration, to be paid by the person presenting the same. Upon demand and the payment of one dollar the register of deeds shall deliver to any person who may apply therefor, a certified copy of such declaration, and such certified copy may be filed in the office of the register of deeds of any other county in the state upon the payment of a like fee of one dollar.

SECTION 42. Section 296.41 of the statutes is amended to read: 296.41 HEIRSHIP, COURTS MAY ESTABLISH. The circuit court may * * * by order establish any minor or adult person as the legal heir of another person of full age, both resident of the state, upon * * * a petition setting forth their names and residence and the reasons for such action, signed by the person desiring him to be so established, and * * * when such proposed heir is over the age of fourteen years, *also signed* by him, and the notice hereinafter required, with proof of the publication thereof. Such order shall be entered at length upon the records of the court.

SECTION 43. Section 296.42 of the statutes is amended to read: 296.42 HEIRSHIP, CHANGE OF NAME, NOTICE OF APPLICATION. Before making an application to the court for changing or establishing a name or establishing an heirship the applicant must cause a notice thereof, stating therein the nature of the application, the time and place when and where the same will be made, to be published *once each week* in a newspaper printed in the county where such application will be made, or if there be none in such county, then in the official state paper for at least six weeks successively. * * *

SECTION 44. Sections 316.30 to 316.44 of the statutes are repealed.

SECTION 45. Chapter 320 (sections 320.01 to 320.24) of the statutes is repealed.

SECTION 46. This act shall take effect upon passage and publication.

Approved July 3, 1929.

No. 197, A.]

[Published July 12, 1929.

CHAPTER 271.

AN ACT to amend subsection (6) of section 194.01 of the statutes, relating to auto transportation companies.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subsection (6) of section 194.01 of the statutes is amended to read: (194.01) (6) "Auto transportation company" means every person, firm, corporation or association, their lessees, trustees or receivers, appointed by any court whatsoever, owning, controlling, operating or managing any motor vehicle for compensation upon any public highway between fixed termini or over a regular route on the public highways of this state, and affording a means of local street or highway transportation or interurban transportation similar to that afforded by street or interurban railways by indiscriminately accepting and discharging such persons as may offer themselves for transportation, or such freight or property as may be offered for transportation along the course on which such vehicle is operated, except such motor vehicles as are operated exclusively as school busses or as busses operated exclusively between hotels and railroad stations